

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1437, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, between lines 4 and 5, begin a new paragraph and insert:
- 2       "SECTION 2. IC 11-10-13 IS ADDED TO THE INDIANA CODE
- 3       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 4       1, 2004]:
- 5       **Chapter 13. Costs of Incarceration**
- 6       **Sec. 1. The department shall develop a methodology for**
- 7       **determining the average daily cost of incarcerating an offender.**
- 8       **Sec. 2. The department shall determine the average daily cost**
- 9       **of incarcerating an offender in:**
- 10       **(1) the department; and**
- 11       **(2) each county jail.**
- 12       **Sec. 3. The department shall provide each court with**

jurisdiction over felony and misdemeanor cases with a report enumerating the average daily costs of incarcerating an offender.

Sec. 4. (a) The department shall update the report described in section 3 of this chapter twice each calendar year. However, if the average daily cost of incarcerating an offender deviates less than one percent (1%) from the previous cost determination, the department is not required to update the report.

(b) The department shall update the report described in section 3 of this chapter, if necessary, after receiving the semiannual incarceration cost analysis from each county sheriff under IC 36-2-13-5.

Sec. 5. The department may use the semiannual incarceration cost analysis of a county sheriff under IC 36-2-13-5 as the daily cost of incarcerating an offender in that county jail.

Sec. 6. (a) The department shall annually conduct or contract with a third party to annually conduct an actuarially based study of projected costs of incarceration.

(b) The study must:

(1) consider:

(A) the present and anticipated future costs of incarcerating the current inmate population;

(B) the effect of credit time;

(C) the effect of inmate mortality rates;

(D) the projected increase in costs of incarceration; and

(E) any other factor determined to be relevant by the department or the third party contractor; and

(2) provide an analysis of the projected costs of incarceration for each subsequent calendar year after the year the study is conducted until each inmate in the current inmate population is no longer serving the executed sentence for which the inmate is incarcerated in the department.

(c) Before July 1 of each year, the department shall provide the legislative council with the results of the study. The department shall provide the results in an electronic format under IC 5-14-6.

Sec. 7. The department may adopt rules under IC 4-22-2 to

1 **implement this chapter."**

2 Page 2, line 5, after "IC 11-12-3.7." insert **"However, a county or**  
 3 **a combination of counties is not required to establish and operate**  
 4 **a community corrections advisory board if a controlled substance**  
 5 **rehabilitation program is operated by the judge of a drug court as**  
 6 **provided in IC 11-12-3.7-4."**

7 Page 3, line 16, after ";" insert **"or"**.

8 Page 3, line 20, delete ";" and insert ".".

9 Page 3, delete lines 21 through 31.

10 Page 4, line 19, after "IC 11-12-1-2" insert **"or the judge of a drug**  
 11 **court who is authorized to operate a controlled substance**  
 12 **rehabilitation program under section 4 of this chapter"**.

13 Page 4, line 37, after "addiction" delete ";" and insert **"or the**  
 14 **Indiana judicial center;"**.

15 Page 4, line 39, after "board" insert **", the judge of a drug court**  
 16 **certified under IC 12-23-14.5,"**.

17 Page 4, between lines 39 and 40, begin a new line blocked left and  
 18 insert **"The Indiana judicial center may adopt rules to implement**  
 19 **this section."**

20 Page 5, line 26, after "to" insert **"**:

21 **(1)"**.

22 Page 5, line 26, after "county" insert **"; or**

23 **(2) the Indiana judicial center drug fund if a drug court**  
 24 **operates a controlled substance rehabilitation program;"**.

25 Page 5, line 26, beginning with "that", begin a new line blocked left.

26 Page 7, between lines 27 and 28, begin a new paragraph and insert:

27 "SECTION 12. IC 35-38-1-5 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. **(a)** When the  
 29 defendant appears for sentencing, the court shall inform ~~him~~ **the**  
 30 **defendant** of the verdict of the jury or the finding of the court. The  
 31 court shall afford counsel for the defendant an opportunity to speak on  
 32 behalf of the defendant. The defendant may also make a statement  
 33 personally in ~~his~~ **the defendant's** own behalf and, before pronouncing  
 34 sentence, the court shall ask ~~him~~ **the defendant** whether ~~he~~ **the**  
 35 **defendant** wishes to make such a statement. Sentence shall then be  
 36 pronounced, unless a sufficient cause is alleged or appears to the court

1 for delay in sentencing.

2 **(b) A court that sentences a person to a term of imprisonment**  
 3 **shall include the total costs of incarceration in the sentencing**  
 4 **order. The court may not consider Class I credit under**  
 5 **IC 35-50-6-3 in the calculation of the total costs of incarceration."**

6 Page 10, between lines 17 and 18, begin a new paragraph and insert:

7 "SECTION 14. IC 35-41-1-26.8 IS ADDED TO THE INDIANA  
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2004]: Sec. 26.8. "Total costs of incarceration" means the  
 10 average daily cost of incarcerating an offender, as described in  
 11 IC 11-10-13, multiplied by the number of days the offender is  
 12 sentenced to a term of imprisonment."

13 Page 13, between lines 11 and 12, begin a new paragraph and insert:

14 "SECTION 17. IC 36-2-13-5 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) The sheriff shall:

- 16 (1) arrest without process persons who commit an offense within  
 17 ~~his~~ **the sheriff's** view, take them before a court of the county  
 18 having jurisdiction, and detain them in custody until the cause of  
 19 the arrest has been investigated;
- 20 (2) suppress breaches of the peace, calling the power of the  
 21 county to ~~his~~ **the sheriff's** aid if necessary;
- 22 (3) pursue and jail felons;
- 23 (4) execute all process directed to ~~him~~ **the sheriff** by legal  
 24 authority;
- 25 (5) serve all process directed to ~~him~~ **the sheriff** from a court or  
 26 the county executive;
- 27 (6) attend and preserve order in all courts of the county;
- 28 (7) take care of the county jail and the prisoners there; ~~and~~
- 29 (8) take photographs, fingerprints, and other identification data as  
 30 ~~he~~ **the sheriff** shall prescribe of persons taken into custody for  
 31 felonies or misdemeanors; **and**
- 32 **(9) on or before January 31 and June 30 of each year, provide**  
 33 **to the department of correction the average daily cost of**  
 34 **incarcerating a prisoner in the county jail as determined**  
 35 **under the methodology developed by the department of**  
 36 **correction under IC 11-10-13.**

- 1 (b) A person who:
- 2 (1) refuses to be photographed;
- 3 (2) refuses to be fingerprinted;
- 4 (3) withholds information; or

- 1           (4) gives false information;
- 2       as prescribed in subsection (a)(8), commits a Class C misdemeanor."
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1437 as introduced.)

**and when so amended that said bill do pass.**

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Representative Dvorak